

his test time had begun, wherein she stated that he would have 2 hours and 40 minutes to complete the test after performing his 30 minute review. He states that he thought he would run out of time so he rushed the test. He appeals that he was denied a 30 minute review prior to the initiation of the timer.

CONCLUSION

The record establishes that appellant took the subject examination on March 11, 2014 and received a failing score. *N.J.A.C. 4A:4-6.4(c)*, (Review of examination items, scoring and administration) states that appeals pertaining to administration of the examination must be filed in writing at the examination site on the day of the examination. The Appellate Division of Superior Court has noted that "the obvious intent of this 'same-day' appeal process is to immediately identify, address and remedy any deficiencies in the manner in which the competitive examination is being administered." See *In the Matter of Kimberlee L. Abate, et al.*, Docket No. A-4760-01T3 (App. Div. August 18, 2003). The appellant filed an appeal three days after he took the examination. As such, any appeal of test administration is untimely.

Nevertheless, a review of the merits of this appeal shows that appellant is not entitled to any relief. Aside from the issue of entering the Social Security Number, this exam was appropriately administered. Scores were correctly assigned to candidates without this information. In addition, the time allotted for reviewing the booklets was included in the 3 hours, 15 minutes given to complete the examination. The appellant is simply mistaken in his assumption that he was allowed 30 minutes to review the booklet prior to the start of the timer. The monitors were required to read the following passage aloud to all candidates prior to administering the examination. They are told not to improvise to make any other changes to the script. Among the information given, the monitor stated, "All appeals of test administration, not the exam content, must be done **today** at the test center." Regarding the timing of the examination, the monitor stated, "You will be given a total of 3 hours and 15 minutes for this exam. We recommend that you use the first 30 minutes to review these booklets before moving on to the questions on the computer. ... You will begin your test by clicking the submit button on your screen to start your time once you are instructed to begin. The countdown clock will appear on your screen. When you finish reviewing both booklets, you will move onto the computer portion of the exam." Later, she stated, "Now click start test. In the field for External ID, enter your Social Security number without hyphens. Do not click to submit button until you are instructed to do so. ... Click submit to start your time and you may begin your review." Accordingly, the appellant was not shorted any time to review his booklets. The time taken to review the booklets was a recommendation and was not enforced; as such, if the appellant had chosen to use 40 minutes instead of 30 minutes for his booklet review he could have done so. The only issue was that there was no setting to provide a Social Security Number, but

this had no effect on examination scoring. Five minutes of extra time was added to the total time to take the test and this was the time to read the instructions prior to starting the time on the computer. The monitor's advice to the appellant was correct, that he would have 2 hours and 40 minutes to complete the test after performing his 30 minute review or a total of 3 hours and 10 minutes timed by the computer. The issue of the lack of an area to enter the Social Security Number did not affect the scoring of the examination, has no bearing on the timing of the examination, and all candidates had to address this issue. In sum, this appeal is untimely, and the appellant was given correct instructions regarding the booklet review and the timing of the test.

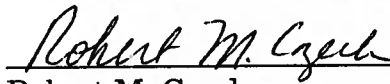
A thorough review of the record indicates that the determination of the Division of Selection Services was proper and consistent with Civil Service regulations, and that appellant has not met his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 17th DAY OF SEPTEMBER, 2014



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